

REMARKS

Upon entry of the present amendment, claims 2-22 will be pending. Claims 2, 3, 19, 20, and 22 are amended. Claims 2 and 3 are amended to correct an error of antecedence. Claims 19, 20, and 22 are amended to clarify the scope of the claims.

The Examiner has entered a Restriction Requirement between claims 2 and 9-15 (Group I), claims 3-8 and 16-18 (Group II), and claims 19-22 (Group III) as being directed to distinct inventions. Applicants have elected, with traverse, the claims of Group I for examination at this time.

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either *independent* or *distinct*.

If the search and examination of an entire application can be made *without serious burden*, the examiner *must* examine it on the merits, *even though it includes claims to independent or distinct inventions*.

MPEP §803 (emphasis added).

Applicants respectfully traverse the Restriction Requirement on the following grounds:

Claims 4 and 5 depend from claim 2 and so should be grouped therewith. In defining the term "distinct," MPEP §802.01 states that, in order to be distinct, the subjects must be patentable over each other. Inasmuch as a dependent claim incorporates all the limitations of its base claim, the base claim cannot be patentable over the dependent claim. Thus, it is improper to require restriction between claim 2 and claims 4 and 5.

The applicants submit that the claims of Group I should be classified in the same subclass as those of Group II, and thus, may be conveniently examined therewith, as well. The Examiner has classified the claims of Group I in class 714, subclass 741. The applicants note that subclass 741 is indented under subclass 738, which is defined as "subject matter in which the specific means or method of generating a test pattern for a digital logic testing system is claimed." No such means or methods are claimed in any of the claims of Group I. Accordingly, it is improper to classify the claims of Group I in subclass 738 or any subclasses indented thereunder.

The applicants suggest that the claims of Group I may be more appropriately classified under subclass 718, titled "Memory Testing," which is defined as "subject matter in which the diagnostic testing is performed upon an information signal storage device." For example, independent claim 2 is directed to a method of testing an electronic memory device, independent claim 9 is directed to a device comprising an internal memory array, independent claim 14 is directed to a method for testing a memory array, and independent claim 15 is directed to a method for testing a control logic circuit integrated with a memory array.

The applicants also believe that the claims of Group III may be classified and examined with the claims of Group II. The Examiner has classified the claims of Group III in class 714, subclass 724, stating that these claims are drawn to circuitry for memory testing. With the clarifying amendments of claims 19, 20, and 22, it is more clear that claims 19-22 are not directed to circuitry for memory testing, but rather to an integrated semiconductor device comprising a memory array and a control logic circuit configured to program, read, and erase cells of the memory array, the semiconductor device being configured to undergo testing by an external testing device. The applicants believe that the claims of Group III may also be more appropriately classified under subclass 718.

The applicants are unable to discern how searching the entire application would present a *serious burden* to the Examiner. The applicants note that, with the exception of claims 19-22, none of the claim amendments of the amendment of July 26, 2004, nor those of the present amendment, significantly alter the overall scope of the claims. In the previous amendment, claims 2 and 3 were placed in independent form, without changing their respective scopes; claims 4 and 5 were amended to depend from claim 2, which actually resulted in narrowing their scope, since they had previously depended from broader claim 1; and claims 16 and 17 were amended to correct minor grammatical errors. In the present amendment, claims 2 and 3 are amended to correct minor errors of antecedence. Thus, at the present time the Examiner has already searched all of claims 2-18, having already cited art based on a search made before the present restriction requirement. Claims 19-22 remain the only unsearched claims in the present application. The applicants are not persuaded that searching claims 19-22 represents a serious burden.

In light of the foregoing remarks, the applicants respectfully request that the Restriction Requirement be withdrawn and all pending claims be considered.

The applicants note that the USPTO Patent Application Information Retrieval system indicates that the Missing Parts of the present application were filed by the applicants on October 12, 2001. However, PAIR shows that the application was not indicated as complete until November 8, 2001, which is 27 days later. From past experience, the applicants understands that, when patent term adjustments are calculated for the present application, the adjustment period will be reduced by the number of days from the day after the day three months from the mailing date of the Notice to File Missing Parts, *until the day the application is indicated in PAIR as being complete*, or, in this case, approximately 86 days.

As cited in the MPEP §2730, 37 CFR §1.704, states:

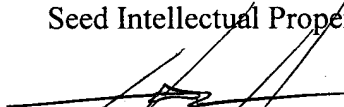
...the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication...and ending on the *date the reply was filed*.

(emphasis added).

As shown in PAIR, the USPTO acknowledges that the applicant's reply was filed on October 12, 2001. Accordingly, the record should indicate that the application was complete on the same day, and any eventual patent term adjustment should be reduced by 59 days rather than the 86 days that will result if the record remains uncorrected.

The applicants respectfully request correction of the PAIR record, or, alternatively, an explanation providing a justification of the extra 27 day reduction, citing the statute or rule supporting such a position.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC


Harold H. Bennett II
Registration No. 52,404

HHB:wt

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300

Seattle, Washington 98104-7092

Phone: (206) 622-4900 Fax: (206) 682-6031

561466_1.DOC